

BRAD W. SEILING (Bar No. CA 143515)  
DONALD R. BROWN (Bar No. CA 156548)  
MANATT, PHELPS & PHILLIPS, LLP  
11355 West Olympic Boulevard  
Los Angeles, CA 90064-1614  
Telephone: (310) 312-4000  
Facsimile: (310) 312-4224  
E-mail: bseiling@manatt.com; dbrown@manatt.com

*Attorneys for Defendant*  
CashCall, Inc.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

KRISTA O'DONOVAN and EDUARDO  
DE LA TORRE, individually and on behalf  
of all others similarly situated,

Plaintiffs,

vs.

CASHCALL, INC., a California  
corporation, and DOES 1 through DOES  
50, inclusive,

Defendants.

Case No. C 08-03174 MEJ

**REQUEST FOR JUDICIAL NOTICE OF  
LEGISLATIVE HISTORY OF THE  
ELECTRONIC FUNDS TRANSFER ACT**

Trial: June 22, 2015

Time: 9:30 a.m.

Courtroom: B – 15<sup>th</sup> Floor

Judge: Hon. Maria-Elena James

A bench trial on the issue of monetary relief for the Conditioning Claim is scheduled for June 22, 2015. The Conditioning Claim is based on Section 1693k of the Electronic Funds Transfer Act (“EFTA”). At the time the parties moved for summary judgment on this claim, the Court took judicial notice of selected portions of the EFTA’s legislative history. *See De la Torre v. CashCall, Inc.*, 2014 WL 3752796, \*11 (N.D. Cal. July 30, 2014). CashCall now wishes to make the legislative history part of the trial record as well. When CashCall raised this issue at the April 28, 2015 Pretrial Conference, it was determined that the appropriate method for submitting the legislative history would be to file another request for judicial notice. Accordingly, pursuant

1 to Federal Rule of Evidence 201, CashCall respectfully requests that the Court take judicial notice  
2 of the complete legislative history of EFTA.

3 “A court must take judicial notice if a party requests it and supplies the court with the  
4 requisite information.” *Wible v. Aetna Life Ins. Co.*, 375 F. Supp. 2d 956, 965-66 (C.D. Cal.  
5 2005) (citing Fed. R. Evid. 201(d)). Judicial notice of legislative history, in turn, is proper where  
6 its authenticity is beyond dispute. *See Oneida Indian Nation of New York v. State of New York*,  
7 691 F.2d 1070, 1086 (2d Cir. 1982); *Matter of Reading Co.*, 413 F. Supp. 54, 57 (E.D. Pa. 1976) ;  
8 *accord, De la Torre, supra*, 2014 WL 3752796, \*11. Judicial notice of legislative history of the  
9 EFTA is therefore appropriate here.

10 CashCall therefore respectfully requests that the Court take judicial notice of the  
11 following:

12 1. The complete legislative history of Title 15, United States Code section 1693  
13 through 1693r, the Electronic Fund Transfer Act by the United States House of Representatives  
14 Bill No. 14279 of 1978 [H.R. 14279], enacted by Congress as Public Law 95-630, on October 27,  
15 1978, 92 United States Statutes 3641, a true and correct copy of which is attached hereto as  
16 **Exhibit A.**

17  
18 Dated: May 13, 2015

MANATT, PHELPS & PHILLIPS, LLP

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20 By: /s/ Brad W. Seiling

21 Brad W. Seiling  
22 Donald R. Brown  
23 *Attorneys for Defendant*  
24 CashCall, Inc.

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